

FILED
TARRANT COUNTY
8/25/2021 4:11 PM
THOMAS A. WILDER
DISTRICT CLERK

NO. 348-327908-21

ANTONIO VELASCO,
Plaintiff,

v.

PARKER PRODUCTS, INC.
Defendants.

§
§
§
§
§
§
§

IN THE DISTRICT COURT

JUDICIAL DISTRICT _____

OF TARRANT COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME Antonio Velasco, hereinafter called Plaintiff, complaining of Parker Products hereinafter called Defendant, and for cause of action show unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

PARTIES AND SERVICE

2. Plaintiff, Antonio Velasco, is an individual whose address is 1307 Elmwood Ave, Fort Worth, Texas 76104. The last three digits of Antonio Velasco's driver license are 384 and the last three of her social security are 754.

3. Defendant, Parker Products, may be served with process pursuant to Section 17.022 of the Texas Civil Practice and Remedies Code by serving its registered agent, CT Corporation System at 1999 Bryan St., Ste. 900, Dallas, Texas 75201.

JURISDICTION AND VENUE

4. The subject matter in controversy is within the jurisdictional limits of this court.
5. The damages sought in this suit are within the jurisdictional limits of this Court. As required by Texas Rule of Civil Procedure 47, Plaintiff seeks monetary relief over \$200,000.00 but not more than \$1,000,000.00.
6. Venue is proper in Tarrant County in that the events giving rise to this cause of action occurred within Tarrant County.

EXHIBIT A-2

FACTS

7. Velasco worked for Parker Products for two years prior to his termination.
8. While on the job, Velasco fell in the breakroom. His fall resulted in a disability. Velasco continued to work, but with his restrictions in place.
9. In July 2018, Parker Products management instructed Velasco to go out on leave until he could return without any restrictions.
10. In January 2019, he informed his management team that his doctor suggested surgery due to his disability. Three days after notifying his management team of the necessary team, Velasco was terminated. Management called and told Velasco he was no longer needed.

CAUSE OF ACTION: AMERICAN'S WITH DISABILITY ACT VIOLATION FOR DISABILITY

11. Disability discrimination occurs when an employer or entity covered by the American with Disabilities Act (“ADA”) treats a qualified individual who is an employee unfavorably because she has a disability.
12. A person has a disability when she has a physical or mental condition that substantially limits a major life activity.
13. Here, Velasco is an individual with a disability. He provided documentation to support his medical diagnosis and disability that he obtained while at work. In accordance with the ADA, Velasco did in fact have a physical disability.
14. Parker Products discriminated against Velasco for having a disability and that disability requiring him to have surgery. He was treated unfavorably than his colleagues because his if need for restrictions. Parker Products forced him on a leave even though he was able to work with restrictions. Parker Products then terminated him because he needed surgery.

CONDITIONS PRECEDENT

15. All conditions precedent to jurisdiction have occurred or been complied with: a charge of discrimination was filed with the Equal Employment Opportunity Commission within three-hundred days of the acts complained of herein and Plaintiff's Petition is filed within ninety

days of Plaintiff's receipt of the Equal Employment Opportunity Commission's issuance of a right to sue letter.

ATTORNEY'S FEES

16. Request is made for all costs and reasonable and necessary attorney's fees incurred by or on behalf of Plaintiff herein, including all fees necessary in the event of an appeal of this cause to the Court of Appeals and the Supreme Court of Texas, as the Court deems equitable and just, as provided by: (a) Section 17.50(d) of the Texas Business and Commerce Code; (b) Chapter 38 of the Texas Civil Practice and Remedies Code; and, (c) common law.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Antonio Velasco, respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant for the economic and actual damages requested hereinabove in an amount in excess of the minimum jurisdictional limits of the Court, together with prejudgment and post judgment interest at the maximum rate allowed by law, attorney's fees, costs of court, and such other and further relief to which the Plaintiff may be entitled at law or in equity, whether pled or unpled.

Respectfully Submitted,

Crocker Russell & Associates
2401 Callender Road, Suite 103
Mansfield, Texas 76063
Tel: (817) 482-6570
Fax: (682) 232-1850

/s/ Ali Crocker Russell

Ali Crocker Russell
Bar No.: 24098868
Email: ali@cralawfirm.com

Attorney for Antonio Velasco

EEOC Form 161 (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Antonio Velsaco
1307 Elmwood Ave.
Fort Worth, TX 76104

From: Dallas District Office
207 S. Houston St.
3rd Floor
Dallas, TX 75202

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

31A-2019-00101

Angel M. Padilla,
Investigator

(972) 918-3584

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.

☒

The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**, or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



June 12, 2021

Enclosures(s)

Belinda F. McCallister,
District Director

(Date Issued)

cc:

Amy Preston
Executive Assistant
PARKER PRODUCTS
3001 Strawn Lane
Fort Worth, TX 76135